



MITCHELL E. DANIELS, JR., *Governor*

JAMAL L. SMITH, *Executive Director*

ICRC No.HOha12010902

**JAMAL L. SMITH, in his official capacity as
EXECUTIVE DIRECTOR of the
INDIANA CIVIL RIGHTS COMMISSION,**
Complainant,

vs.

[REDACTED],
Respondent.

**NOTICE OF FINDING and
ISSUANCE OF CHARGE**

The Executive Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Reasonable cause exists to believe that an unlawful discriminatory practice has occurred. A Charge is therefore issued in accordance with 910 IAC 2-6-6(b).

On January 24, 2012, [REDACTED] ("Complainants") filed a complaint with the Commission against Karoline Silke ("Respondent") alleging discrimination on the basis of disability, in violation of the Indiana Fair Housing Act (IC 22-9.5, et seq), the Indiana Civil Rights Law (IC 22-9, et seq) [REDACTED]. Accordingly, the Commission has jurisdiction over the parties and the subject matter of this complaint.

An investigation has been completed. Both parties have had an opportunity to submit evidence. Based on the final investigative report and a review of the relevant files and records, the Executive Director now finds the following:

The Complainants allege that they were denied the ability to rent a dwelling based on the disability of a person who also intended to reside in the dwelling with them. In order to prevail on such a claim, the Complainants must prove that 1) they fall within a protected class, 2) they were qualified, ready and willing to rent consistent with Respondent terms and conditions, 3) they made an offer to rent, 4) Respondent refused and 5) after Respondent refusing to rent to the Complainants, the property remained available.

Complainants fall within a protected class based on their association with a disabled person who was intending to reside in the dwelling with them. Complainants were ready and willing to rent the dwelling advertised by the Respondent. Around January 9, 2012, Complainants met the Respondent at the rental property and were able to view the property. Respondent's requirements were a monthly rental rate of \$1150 and a deposit of \$1150. Complainants were prepared to pay the amount requested by the Respondent. While Respondent acknowledges that she did not provide the Complainants a rental application as she did not consider them to be desirable tenants, available evidence supports that Complainants monthly income was approximately \$7100 per month. Complainants made Respondent well aware of the fact that



they were interested in and wanted to rent the dwelling. Respondent refused to rent to the Complainants as the Complainants were planning to utilize the living room area as a bedroom and the person to occupy that space would be the Complainants' bedridden mother. Respondent acknowledged that her main problem was the living room being used as a nursing home, for an individual who is bedridden. Respondent's concern was the mother was someone who belonged in a nursing home; there would be a bed pan issue and a wheelchair banging against the walls. Respondent did not provide the Complainants with a rental application. The unit remained available until the end of February 2012. Respondent rented the unit to residents who are not disabled or associated with an individual who is disabled.

This evidence establishes reasonable cause to believe that Respondent has violated the Indiana Civil Rights Law, the Indiana Fair Housing Act, and the Federal Fair Housing Act. As permitted by 910 IAC 2-6-6(h), any party to this complaint may elect to have the claims asserted in this Charge decided in a state court, in lieu of an administrative proceeding under 910 IAC 2-7. Such an election must be made no later than twenty (20) days after service of this Notice. The notice of election must be filed with the Commission and served on the Director, the Respondent and Complainant.

If such an election is not timely made, an administrative hearing of this matter will be scheduled by the Administrative Law Judge. Respondents shall have an opportunity to file an answer to this charge within thirty (30) days of service of this Charge. [REDACTED] and any other person aggrieved by this alleged discriminatory practice may participate as a party in the hearing by filing a request for intervention. All discovery in this matter must be completed fifteen (15) days prior to the date of hearing.

If at any time following service of this charge Respondents intends to enter into a contract, sale, encumbrance, or lease with any person regarding the property that is the subject of this charge, Respondents must provide a copy of this charge to the person prior to entering into such contract, sale, encumbrance or lease. 910 IAC 2-7-4(e)(3)

Date

Jamal L. Smith
Executive Director
Indiana Civil Rights Commission